

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MCNEIL-PPC, INC., et al
Plaintiff(s)

v.

CIVIL NO. 04-1090 (JAG)

MERISANT COMPANY, et al
Defendant(s)

ORDER FOR PRELIMINARY INJUNCTION

It is hereby ORDERED, in accordance with the Court's Findings of Fact and Conclusions of Law, as follows:

1. Defendants Merisant Company and Merisant Puerto Rico, Inc. and their agents, servants, employees and attorneys, and those persons in active concert and participation with them, who receive actual notice of this Preliminary Injunction, by personal service or otherwise (collectively "Merisant"), be and hereby are enjoined and restrained, during the pendency of this action, from manufacturing, distributing, importing, advertising, marketing or selling a no-calorie sweetener in packaging that is confusingly similar in appearance to any packaging used by plaintiffs for their Splenda® product, including, without limitation, the packaging used for Merisant's new Same® product depicted in Exhibit C to the Complaint ("Yellow Same").

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2. Merisant shall immediately recall from distribution all Yellow Same products, and shall remove or cause the removal of all Yellow Same products from store shelves in Puerto Rico.

3. Plaintiffs McNeil-PPC, Inc. and Johnson & Johnson Hemisferica, S.A. shall post with the Clerk of this Court security in the amount of \$350,000 for payment of such costs or damages as may be incurred by Merisant in the event that Merisant is found to have been wrongfully enjoined.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this day 29th day of July, 2004.

S/Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
United States District Judge